

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of: CHARLES THOMAS CUNNYNGHAM

For: INBRED MAIZE LINE PH87H,

the specification of which is being transmitted herewith.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

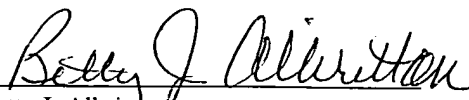
Attached are copies of PTO 1449A and PTO-892 listing the relevant art known to the applicant herein. The Examiner is requested to consider the references and make them of record. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/271,065, filed on October 15, 2002. Each of the references listed on Forms PTO 1449A and PTO-892 were submitted to, and/or cited by, the Patent Office in the prior application(s) and, therefore, are not required to be provided in this application.

Applicant discloses herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose. Legible copies of all items listed in Forms PTO/SB/08A

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CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box NEW APP – FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, prior to 5:00 p.m. on the 20<sup>th</sup> day of February, 2004.

  
Betty J. Albritton  
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and 08B (formerly Form PTO-1449) accompany this information statement, except those identified above.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lila A. T. Akrad".

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Attorneys of Record

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|--|--|--|--------------------------|
| Form PTO-1449  | U.S. Department of Commerce<br>Patent and Trademark Office | ATTORNEY DOCKET NO.<br>1467            | SERIAL NO.<br>10/271,065 |
| <b>INFORMATION DISCLOSURE STATEMENT</b><br><br><b>BY APPLICANT</b><br><br><i>(Use several sheets if necessary)</i> |  | APPLICANT<br>Charles Thomas Cunnyngnam |                          |
|  |  | FILING DATE<br>October 15, 2002        | GROUP                    |

**U.S. PATENT DOCUMENTS**

| Examiner Initial |    | Document Number | Date       | Name                   | Class | Subclass | Filing Date If Appropriate |
|------------------|----|-----------------|------------|------------------------|-------|----------|----------------------------|
|                  | A1 | 6,114,613       | 9/5/2000   | Colbert et al.         |       |          | 1/26/1999                  |
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|--|--|-----------------|------|---------|-------|----------|-----------------|----|
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**OTHER DOCUMENTS** (Including Author, Title, Date Pertinent Pages, Etc.)

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|  | A6  | Plant Variety Protection Certificate No. 9200086 for Corn PHN18, issued June 30, 1992             |
|  | A7  | Plant Variety Protection Certificate No. 9900358 for Corn, Field PH3GK, issued November 6, 2001   |
|  | A8  | Plant Variety Protection Certificate No. 200000197 for Corn, Field PH5CT, issued November 6, 2001 |
|  | A9  | Plant Variety Protection Certificate No. 9300113 for Corn, PHN41, issued February 28, 1994        |
|  | A10 | Plant Variety Protection Certificate No. 9800322 for Corn, Field PH2CB, issued September 12, 2001 |
|  | A11 | Plant Variety Protection Certificate No. 9900357 for Corn, Field PH3GR, issued November 6, 2001   |
|  | A12 | Plant Variety Protection Certificate No. 9700218 for Corn, Field PH09B, issued October 27, 2000   |

**U.S. PATENT APPLICATIONS**

| Examiner Initials   | Cite No. | U.S. Patent Application Serial Number | Filing Date of Cited Application MM-DD-YYYY | Name of Applicant of Cited Application |
|---|----------|---------------------------------------|---|--|
|   | A13      | 09/490,667                            | 1/24/2000                                   | Colbert et al.                         |
| EXAMINER  |          |                                       |   | DATE CONSIDERED                        |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |          |                                       |   |  |

**Notice of References Cited**

Application/Control No.

10/271,065

Applicant(s)/Patent Under

Reexamination

CUNNYNGHAM, CHARLES THOM

Examiner

Ashwin Mehta

Art Unit

1638

Page 1 of 1

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|   | A | US-6,469,233                                     | 10-2002         | Johnson           | 800/320.1      |
|   | B | US-5,523,520                                     | 06-1996         | Hunsperger et al. | 800/323.1      |
|   | C | US-  |                 |                   |                |
|   | D | US-  |                 |                   |                |
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|   | F | US-  |                 |                   |                |
|   | G | US-  |                 |                   |                |
|   | H | US-  |                 |                   |                |
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|   | J | US-  |                 |                   |                |
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|   | M | US-  |                 |                   |                |

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|   | O |  |                 |         |      |                |
|   | P |  |                 |         |      |                |
|   | Q |  |                 |         |      |                |
|   | R |  |                 |         |      |                |
|   | S |  |                 |         |      |                |
|   | T |  |                 |         |      |                |

**NON-PATENT DOCUMENTS**

| * |   | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
|   | U | Kraft et al., Theor. Appl. Genet., 2000, Vol. 101, pages 323-326                          |
|   | V | Eshed et al., Genetics, 1996, Vol. 143, pages 1807-1817                                   |
|   | W |   |
|   | X |   |

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.